

AARON D. FORD
 Attorney General
 KYLE L. HILL, (Bar No.16094)
 Deputy Attorney General
 State of Nevada
 Office of the Attorney General
 1 State of Nevada Way, Ste. 100
 Las Vegas, Nevada 89119
 (702) 486-0429 (phone)
 (702) 486-3768 (fax)
 Email: khill@ag.nv.gov

*Attorneys for Defendants Fernandeis Frazier,
 Christopher Herzog, and John Henley*

UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

JAMES EDWARD SCOTT, III,

Plaintiff,

v.

MIKE W. HENLEY, *et al.*,

Defendant.

Case No. 3:23-cv-00259-CSD

**ORDER GRANTING
 DEFENDANTS' MOTION FOR
 EXTENSION OF TIME TO FILE
 MOTION FOR SUMMARY
 JUDGMENT
 (Second Request)**

Defendants, Fernandeis Frazier, Christopher Herzog, and John Henley, by and through counsel, Aaron D. Ford, Nevada Attorney General, and Kyle L. Hill, Deputy Attorney General, hereby move this Court for an extension of time to file a Motion for Summary Judgment. This is the second request to extend the subject deadline.

MEMORANDUM OF POINTS AND AUTHORITIES

I. FACTUAL ANALYSIS

This is a *pro se* prisoner 42 U.S.C. § 1983 civil rights claim brought by offender, James Scott (Scott). This Court entered a scheduling order with a discovery deadline of December 9, 2024, and a dispositive motion deadline of 30 days following the discovery deadline, or January 8, 2025. ECF No. 27.

On June 12, 2024, this Court issued the scheduling order for this matter on the same day as scheduling order in the following case, also involving Scott: *Scott v. Frazier, et al.*, USDC 3:23-cv-00251-MMD-CSD. Both of these cases had discovery deadlines on December

9, 2024, and dispositive motion deadlines of January 8, 2025. *See* USDC Case No. 3:23-cv-00251-MMD-CSD, ECF No. 27.

On January 14, 2025, this Court granted an extension of the dispositive motion deadline for this case to February 7, 2025. ECF No. 35.

On February 5, 2025, the parties met for a status conference in USDC Case No. 3:23-cv-00270-ART-CLB regarding the possibility of having a global settlement negotiation. USDC Case No. 3:23-cv-00270-ART-CLB ECF No. 73. However, the parties were unable to reach an agreement on having a global settlement negotiation and all of Scott's cases are proceeding on the normal litigation track.

II. ARGUMENT

Defense counsel respectfully requests a sixty (60) day extension of time to file Defendants' dispositive motion from the current deadline of February 7, 2025, until Tuesday, April 8, 2025.

Defense Counsel has been diligently working on this matter, however, due to the parties' inability to reach a decision on having a global settlement negotiation, Defendants request an extension to the current deadline of February 7, 2025.

A. Current Deadlines

Dispositive motion deadline: February 7, 2025

Joint pretrial order (if no dispositive motions filed): March 10, 2025

B. Proposed Deadlines

Dispositive motion deadline: April 8, 2025

Joint pretrial order (if no dispositive motions filed): May 8, 2025

C. Good Cause Supports this Request

Federal Rule of Civil Procedure 16(b) allows parties to request extensions of deadlines set in the Court's scheduling order. Good cause exists as follows for the extension. LR 26-3. Additionally, counsel for Defendants needs additional time due to the parties being unable to agree to have a global settlement negotiation during the status conference held on February 5, 2025, at 2:00 pm, in USDC Case No. 3:23-cv-00270-ART-CLB. Counsel

1 for Defendants believed having this negotiation would have been beneficial for all parties,
2 and anticipated all matters being stayed for this purpose. As a result, counsel prepared for
3 discussing the need for this negotiation in lieu of continuing to prepare the dispositive
4 motion for filing.

5 Defendants seek an additional sixty (60) days to file the instant dispositive motion
6 in this case, because in addition to this current dispositive motion deadline, Defendants
7 counsel, in addition to other deadlines and other cases requiring attention, counsel
8 currently has dispositive motions due within the next sixty (60) days in the following cases:
9 USDC Case No. 3:23-cv-00263-ART-CLB; USDC Case No. 3:22-cv-00564-ART-CLB¹; USDC
10 Case No. 3:23-cv-00260-MMD-CLB; USDC Case No. 2:21-cv-00514-CDS-EJY² (pending
11 MTD and Motion for Stay); USDC Case No. 3:23-cv-00264-ART-CLB; USDC Case No. 3:23-
12 cv-00251-MMD-CSD; USDC Case No. 3:23-cv-00254-MMD-CLB; USDC Case No. 3:22-cv-
13 00556-ART-CSD; USDC Case No. 3:23-cv-00269-MMD-CLB; USDC Case No. 3:23-cv-
14 00271-MMD-CSD.

15 Defendants assert that the requisite good cause is present to warrant the requested
16 extension of time. This is the second request to extend the subject deadline.

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26 ¹ Counsel is preparing a motion to extend the dispositive motion deadline in USDC
27 Case No. 3:22-cv-00564-ART-CLB.

28 ² USDC Case No. 2:21-cv-00564-CDS-EJY has a fully briefed and pending Motion to
Dismiss and Motion for Stay of Discovery which could potentially affect the currently
scheduled dispositive motion deadline.

1 **III. CONCLUSION**

2 Defendants respectfully request this Court extend the deadline for dispositive
3 motions in this matter. Defendants assert the requisite good cause is present to warrant
4 an extension of time. Therefore, Defendants request additional time, up until **April 8,**
5 **2025**, to file dispositive motions in this matter.

6 DATED this 5th day of February, 2025.


7 AARON D. FORD
8 Attorney General

9 By: /s/ Kyle L. Hill
10 KYLE L. HILL, Bar No. 16094
Deputy Attorney General

11 *Attorneys for Defendants*

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13 IT IS SO ORDERED.

14 DATED: February 6, 2025.

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17 Craig S. Denney
United States Magistrate Judge